IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4917 OF 2007

Shri Bhalchandra Ganpat Hande ..Petitioner

Vs.

M/s. Kamdhenu Chemicals and
Fertilizer Industries ..Respondent

Mr. S.N. Chandrachood for petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : June 28, 2007.

P.C.:

1. RCS No. 28 of 1999 came to be decreed against the present petitioner by the learned Judge of the Small Causes Court at Pune vide his Judgment and Decree dated 27/1/2005 and, therefore, the same was challenged by the petitioner in Civil Appeal No. 178 of 2005 which came to be dismissed by the learned Ad-hoc Judge No.6, Pune on 11/4/2007. It is, therefore, evident that the petitioner has an alternate statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. as has been

held by me in Writ Petition No. 4138 of 2006 on 24/8/2006. When such a statutory remedy is available, a writ petition under Article 227 of the Constitution need not be entertained.

2. The petitioner is, therefore, disposed as such with liberty to the petitioner to file a Civil Revision Application against the impugned decree of eviction. If such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)